

REMARKS

The Examiner rejected claims 11-21. Applicant subsequently cancelled claim 15. Applicant has amended claim 11 and cancelled claim 21 without prejudice. Support for the amendment can be found at least at paragraphs 11, 13, and 15 of the publication. No new matter is presented. Claims 11-14 and 16-20 are pending in the application.

By the instant Advisory Action dated April 15, 2008, the Examiner maintained his 103(a) rejections of claims 11-14 and 16 as being unpatentable over Sponsel in view of Eydelman, and claims 17-20 as being unpatentable over Sponsel in view of Eydelman and further in view of Jernigan. Reconsideration and withdrawal of the rejections is requested. The following reasons are presented in support of this position.

Applicant has amended claim 11 to specify that “the movement of the fixation mark is used to position the eye in a specific manner *so that the eye is less likely to move in a manner that would interfere with the treatment being carried out by the ophthalmologic treatment device.*” Similarly, Applicants amend the preamble to clarify the purpose of the claimed method: “A method of orienting the eye of a patient to help prevent the eye from moving in a manner that would interfere with treatment being carried out by an ophthalmologic treatment device....” These amendments clarify that the eye is moved by the fixation mark not to evaluate visual acuity of the eye (by the recognition or nonrecognition of the fixation mark), but to help ensure that the eye does not move in a manner that interferes with a treatment unrelated to the eye’s ability to follow or recognize the fixation mark. Sponsel does not disclose this limitation. Eydelman and Jernigan also fail to disclose this limitation. Further, it would not have been obvious to modify the teachings of the references to arrive at the invention because the references teach away from the invention by providing methods directed to an entirely distinct purpose—namely, the determination of visual acuity by a patient’s ability to recognize or follow a fixation mark. For these reasons, it would not have been obvious to arrive at the claimed invention. Accordingly, Applicant requests withdrawal of the rejection of claim 11 and its dependent claims 12-14 and 16-20.

An early action on the merits of these claims is respectfully requested.

Respectfully submitted,

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